

Name: Jae Jeong Lyu
 Address: Terminal Annex North 3A-77
P.O. Box 86164
LA, CA 90086

**FEE DUE
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MC-275



CDC or ID Number: #6584866

The United State District Court
Central District of California

(Court)

<u>Jae Jeong Lyu</u>	
Petitioner	vs.
<u>Robert Luna</u>	
Respondent	

PETITION FOR WRIT OF HABEAS CORPUS

No. 2:23-CV-08178-JVS(KES)
 (To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- ☐ A conviction ☐ Parole
☐ A sentence ☒ Credits
☒ Jail or prison conditions ☒ Prison discipline

☒ Other (specify): Correction of inmate record.

1. Your name: Jae Jeong Lyu
2. Where are you incarcerated? LA County Jail
3. Why are you in custody? ☒ Criminal conviction ☐ Civil commitment

Answer items a through i to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

- b. Penal or other code sections: § 243.4(c), § 288A(2)(a), § 242, and § 290(b)

- c. Name and location of sentencing or committing court: LA Superior Court

- d. Case number: BA 439082

- e. Date convicted or committed: 3/29/16

- f. Date sentenced: 4/21/2016 (First) Resentenced on 10/18/17

- g. Length of sentence: 12 years in prison, and 18 month in county jail

- h. When do you expect to be released? Jan. 5, 2024

- i. Were you represented by counsel in the trial court? ☐ Yes ☒ No If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (Check one):

☒ Not guilty ☐ Guilty ☐ Nolo contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

Inmate Reception Center's malpractice of medical

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

On 4/12/23, I was transported from State Prison, California Rehabilitation Center to county jail to be served county time. At that time I was given 2 months' medication, but the county jail confiscated the medications and placed me in the inmate reception center for more than 22 hours only for medical purposes. The prison medical doctors' licenses and county doctors' were issued the same medical board (Not even the medical staffs in the I.R.C. are not doctors, indeed they are nurses). The I.R.C. must be shut down immediately for that was served only one purpose, to torture inmates as a welcome ceremony.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Before the I.R.C., the inmates are already questioned their healthy conditions at the windows, after taking X-ray, the inmates should be placed in dorms at there, the medical staffs could check individual condition.

The inmates were suffered already two days police lock up and arraignment than IRC. irritated inmates. It's worst practice in the world. During I was there, as I asked them, "what's going on?" after waiting there 12 hours, they hand-cuffed me on the chair. I asked only a simple question. Then they threatened me, hand-cuffed me. It's not right. Even we are inmate ought to be treated as human being not worse than pigs.

claim 2
 7. ~~Ground 2~~ or Ground _____ (if applicable):

Jail conditions: Must be changed the blankets to sheets.

a. Supporting facts:

I'm in county jail, North 2A. It's a mental facility and the most clean facility among LA County jail (I believe), yet every I face the danger of getting T.B. because of the dust of cotton. After I was in this county jail, 2010 and 2016, I relapsed in T.B. It required 6 months medications. I am afraid so. If the inmate use sheets (as hospitals), the risk could be removed.

b. Supporting cases, rules, or other authority:

Claim 3: (Jail Condition II)

Hot Pots must be replaced with self-filled water hot pot. In dorms, inmates use hot pot for coffee, or tea, or soup. yet some inmates use the hot pot as a cook pot; they place their food holding in a plastic bag in order to warm their food. Problem is that the plastic bags release chemical hormones which causes cancers.

Although I requested to the deputies, my requests were simply ignored. Even they increase my security level for they say I am the problem maker.

Only I tried to make right the wrong.

Claim 4: Correction Inmate's record.

I was sentenced on 4/21/2016 then resented on 10/18/17, but the jail's inmate record keeps wrong information that says I was convicted on 4/12/2023 although I made grievance and requests more than 10 times they would not change in order to keep me in the probation. I am on the parole now. I enclosed one of the copies.

Claim 5: Inmates must be allowed mirror and clock.

In dorms mirrors are installed but never maintained them. When I requested they answered that inmates are allowed the mirrors. As we are human being we need mirrors and clocks.

1 Claim 6: To Stop Inmate Extortions.

2 Inmates only buy through one company, their Commissaries.
3 The prices are beyond the ceilings, for example one sandwich
4 is \$1.60, one soda is \$2.50, one reading glasses \$11.92,
5 in China less than \$1.00. It's extortion of the inmates.

6
7 Claim 7: Hazardous Razor Use.

8 Inmates are allowed to use razors, for shaving they place
9 them in the metal box (disposal), but inmates are fishing them
10 reuse them, knowing it, no one is punished or disciplined.
11 That causes the spreading of Hepatitis.

12
13 Claim 8: Milestone Applies.

14 I was given milestones during my time in prison upon the same
15 convictions, but L.A. county jail does not give me the milestones
16 on my general education.

17 Recently, I have finished a course at Canyon College
18 in here, but jail did not give me says, "P.C. 290(b) does
19 not allow the milestone."

20 I know some of them are banned such as firecamp or K-9,
21 but not general education.

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8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes ☐ No If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"):

2nd Appellate District of California

b. Result: One of conviction was reversed c. Date of decision: 6/6/17

d. Case number or citation of opinion, if known:

e. Issues raised: (1) Double Jeopardy

(2)

(3)

- f. Were you represented by counsel on appeal? ☒ Yes ☐ No If yes, state the attorney's name and address, if known:

David Thompson, who was ineffective

9. Did you seek review in the California Supreme Court? ☒ Yes ☐ No If yes, give the following information:

a. Result: Denied b. Date of decision:

c. Case number or citation of opinion, if known:

d. Issues raised: (1)

(2)

(3)

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative review:

- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:

Because I had read the district court has case for LA County Jail's condition. My petition might to help to understand the whole view of these conditions.

- b. Did you seek the highest level of administrative review available? ☐ Yes ☒ No Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes If yes, continue with number 13. ☒ No If no, skip to number 15.

13. a. (1) Name of court: _____
 (2) Nature of proceeding (for example, "habeas corpus petition"): _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (attach order or explain why unavailable): _____
 (5) Date of decision: _____
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
- _____

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)
- _____

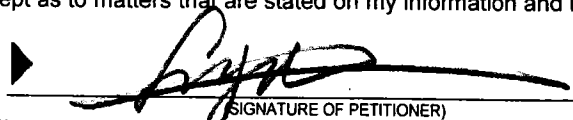
16. Are you presently represented by counsel? ☐ Yes ☒ No If yes, state the attorney's name and address, if known:
- _____

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes ☐ No If yes, explain:
2nd Appellate District Court of California
B331011

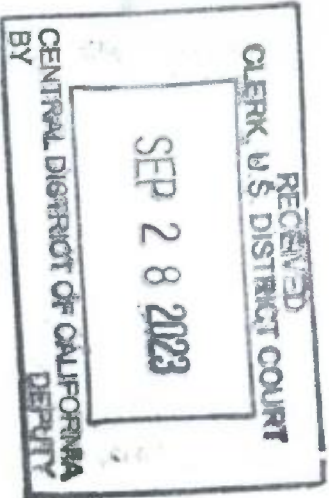
18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
- _____

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 9/24/23


 (SIGNATURE OF PETITIONER)

Jae Lynn, (76584866)
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A. CA 90086



Legal Mail -

SANTA CLARITA CA 913
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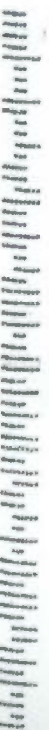


Judge Dean D. Pregerson

U.S. District Court, Central Dis

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